

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 2788 – HB 3141**

February 25, 2012

**SUMMARY OF AMENDMENT (013518):** Deletes all language after the enacting clause. Creates a Class A misdemeanor offense of official misconduct by adding that a public servant receives a benefit not otherwise authorized by law if the public servant: purchases real property based on information that is not public knowledge that the property may later be purchased by a governmental entity; or acting under color of office or employment, communicates directly or indirectly with either the executive officer of the governmental entity concerning the purchase of such real property or with a person designated by the executive officer as the person authorized to make the decision that a government entity purchase such real property that the public servant owns or owns an option to purchase. Requires the court to order appropriate restitution to the governmental entity harmed by the offense. Requires ouster provisions to be instituted upon conviction and disqualifies such offender from ever holding any office under the laws or constitution of Tennessee.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures - \$5,700/Incarceration\*

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**NOT SIGNIFICANT**

Assumptions applied to amendment:

- There will not be a sufficient number of misdemeanor prosecutions or ouster proceedings for state or local government to experience any significant increase in revenue or expenditures.
- Any increase in caseloads for state or local courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc